

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

Revisions to assessment regulations to align the school reconfiguration notice deadline to coincide with earlier release of scores and to incorporate additional Federal flexibility:

703 KAR 5:001, Assessment and accountability definitions (Final)

703 KAR 5:020, The formula for determining school accountability (Final)

703 KAR 5:130, School district accountability (Final)

Applicable Statute or Regulation:

703 KAR 5:001; 703 KAR 5:020; 703 KAR 5:130

History/Background:

Existing Policy. The 2001 re-authorization of the Elementary and Secondary Education Act of 1965 was signed into federal law January 8, 2002. Characterized in the statute as, "An Act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind," it carries the short title, "No Child Left Behind Act of 2001."

Like Kentucky, many states have modified and/or supplemented their student assessments to comply with the federal statute and now use assessment results to make both federal and state accountability decisions. Kentucky has retained its accountability system, while complying with the federal mandate. It accomplishes this through a two-dimensional system in which state and federal requirements are complementary. After the first year No Child Left Behind (NCLB) was implemented, the United States Department of Education (USDOE) granted more flexibility to states, and this process is continuing.

During the April meeting of the Kentucky Board of Education, staff proposed four changes for the Board's Assessment Committee to consider that would impact Adequate Yearly Progress (AYP) determinations. The changes require amended language in three assessment and accountability administrative regulations. The four proposed changes discussed were notification of reconfiguration, multi-year averaging in participation rate calculations, multi-year averaging of Annual Measurable Objectives (AMOs), and attendance rate as the other academic indicator at the elementary and middle school levels. The Assessment Committee directed staff to research a new option for the other academic indicator at the elementary and middle school levels that maintains an academic focus, links strongly to the state Commonwealth Accountability Testing System and values all content areas assessed in Kentucky. The Committee asked that this new option be brought to the KBE's May 17-18 Retreat meeting.

As a result of the discussion at the May 17-18 retreat, staff was asked to bring all four proposals forward to the June meeting for consideration of final approval. These proposals are contained in the attached regulations.

Only the last three proposals below affect Kentucky's Federal accountability workbook and would require federal approval. Proposals 1—3 remain as discussed with the Assessment Committee in April. Proposal 4 is new and was discussed at the May 17-18 retreat.

Previous proposals considered by the Assessment Committee in April

Proposal 1: This proposal is brought forward for consideration in order to align the school reconfiguration notice deadline to coincide with earlier score releases for both CATS and NCLB. It does not require Federal approval. Schools are currently required to notify the Kentucky Department of Education when a school reconfigures to form a new school by September 30 of the year in which the reconfiguration occurs. This notification is too late to be reflected in NCLB reporting in early August. Because a reconfigured school is a new school in the accountability system, consequences for NCLB reporting are not applicable to the newly reconfigured school. An earlier notification date of June 30 of the year the reconfiguration is to occur will allow consequences to reflect the current school reconfiguration. The proposed language to amend regulation 703 KAR 5:020, The formula for determining school accountability, would be as follows:

“703 KAR 5:020 Section 6 (3). A school district shall notify the Department of Education of any school that is planning for the upcoming school year to be a reconfigured school as provided in this administrative regulation by June 30 prior to the beginning of the school year in which the reconfiguration is to occur.”

Proposal 2: Multi-year averaging in Participation Rate calculations was offered as additional flexibility in a letter from the office of Education Secretary Rod Paige to Chief State School Officers dated May 19, 2004 (see Attachment A). Staff proposes to formalize this flexibility offered to all states through amending 703 KAR 5:020, The formula for determining school accountability and 703 KAR 5:130, School district accountability. The number of years of data for determining Participation Rate may vary from school to school since an average of one, two, or three years of data is used to reach ninety-five percent. This proposed change was introduced as a review item at the February meeting of the Kentucky Board of Education. This same criterion was applied to the preliminary 2004 NCLB reports released in August and the final 2004 NCLB reports released in October and it needs to formally be made a part of the regulations. The proposed language for the regulations is as follows.

“703 KAR 5:020 Section 10 (4)(d) and 703 KAR 5:130 Section 8 (4)(d). Participation rate may be computed for the current year, or, as an average of the most recent two (2) or three (3) years, to reach ninety-five (95) percent.”

Proposal 3: NCLB permits states to use a multi-year average when calculating Annual Measurable Objectives (AMOs) for reading and mathematics. Kentucky did not initially

apply this design to the calculation of data because the Kentucky Board of Education and Kentucky Department of Education were seeking permission from the USDOE for a biennial reporting structure that would align with the biennial structure of the state accountability model. This request was ultimately denied by USDOE. After researching the approaches used by other states and since Kentucky is using annual reporting for federal Adequate Yearly Progress purposes, staff proposes to pursue the application of a multi-year average for the calculation of AMOs. Operationally for a school, if all students and each student subpopulation of sufficient size meet their AMOs for reading and mathematics, only current year data is used. For each student group that fails to meet an AMO on current year data, the AMO will then be based upon two years of data. For each student group that fails to meet an AMO based on two years of data, the AMO will be based upon three years of data. Note that the confidence interval is based on the same set of data as the AMO. The following language is proposed to amend existing regulations.

703 KAR 5:020 Section 10 (2). “If a school does not meet an annual measurable objective based on the current year aggregated average of the performance of the elementary, middle, or high school students, the aggregated average will be computed based on the most recent two (2) or three (3) years of student performance data in reading and mathematics.”

703 KAR 5:020 Section 10 (8) (b). “If more than the current year aggregated average of the performance of the elementary, middle, or high school students is used to compute an annual measurable objective, the confidence interval shall also be based upon the same most recent two (2) or three (3) years of student performance data as the aggregated average is based.”

703 KAR 5:130 Section 8 (2). “If a district does not meet an annual measurable objective based on the current year aggregated average of the performance of the elementary, middle, or high school students, the aggregated average will be computed based on the most recent two (2) or three (3) years of student performance data in reading and mathematics.”

703 KAR 5:130 Section 8 (6) (b). “If more than the current year aggregated average of the performance of the elementary, middle, or high school students is used to compute an annual measurable objective, the confidence interval shall also be based upon the same most recent two (2) or three (3) years of student performance data as the aggregated average is based.”

New proposal considered at the KBE Retreat

Proposal 4: NCLB requires states to use graduation rate for the other academic indicator at the high school level, but allows states to establish values at the elementary and middle school levels. The Kentucky Board of Education previously decided to use the prior year Accountability Index as the other academic indicator at the elementary and middle school levels because it linked NCLB to Kentucky’s Commonwealth Accountability Testing System (CATS) and reflected school performance in all academic areas and non-academic areas.

Staff has researched options for a measure that does not use prior year data. The only options for current year data are reading and mathematics results in the academic area and attendance in the nonacademic category. In April, the Assessment Committee asked that the focus remain on an academic measure that would not overemphasize reading and mathematics to the exclusion of other content areas.

Since current year data is not available, staff proposes an alternative approach could be that the CATS biennial classification and CATS mid-point classification serve as the criteria for meeting the other academic indicator at elementary and middle school levels. Schools classified as any category of Progressing or Meets Goal would be considered as meeting the requirement for the other academic indicator at the elementary and middle school levels. Schools that are classified in the Assistance category would be considered as not meeting the requirement for the other academic indicator. In 2005, the 2004 CATS biennial classification would be used. In 2006, the 2005 CATS mid-point classification would be used.

Last year, forty-eight (48) schools were classified initially in Assistance. After the data review, the number reduced to forty-six (46) schools in Assistance. Of these forty-six (46) schools in Assistance, nineteen (19) actually made AYP by meeting their target goals in reading and math. The new strategy outlined in Proposal 4 would avoid this inconsistency. Other inconsistencies, as seen last year, could still happen, for example a school Meets Goal but does not make AYP.

If the new proposal were applied to 2004 data, forty-six (46) schools would not make AYP because of the other academic indicator. Note that last year, 167 schools did not make AYP because of the other academic indicator (the Accountability Index for 2004).

The Assistance classification is further divided into three levels—1, 2, and 3. The consequences and supports for schools increase with each number. The table below summarizes the number of schools and the range of biennial accountability index (an average of 2003 and 2004 results) in each Assistance level in 2004.

Class	# Schools	Range of Biennial Index
Assist 1	17	66.2-76.1
Assist 2	14	60.4-65.5
Assist 3	15	42.1-59.7

The **Pros** for this proposal:

- Calculations already exist.
- Accountability results for CATS and NCLB would be forced to be more consistent (i.e., all schools in Assistance would not make AYP).
- The mid-point CATS school accountability classification would now have real consequences attached to results.

- All content areas from CATS would be part of NCLB accountability.

The **Cons** for this proposal:

- Data are still lagged one year. (Many districts have expressed morale concerns with the use of a lagged Accountability index.)
- The data review process may change CATS classification. (Data changes currently impact the Accountability index.)

Staff proposes changes to regulations 703 KAR 5:001, Assessment and accountability definitions, 703 KAR 5:020, The formula for determining school accountability and 703 KAR 5:130, School district accountability as follows to incorporate the above proposal:

703 KAR 5:001 Section 1 (11) (b), (12) (b) and 13 (b). “A school classification of any category of Progressing or Meets Goal in the CATS biennial or midpoint classification at the elementary and middle school levels.”

703 KAR 5:020 Section 10 (2) (b). “School classification;”

703 KAR 5:020 Section 10 (5) (b). “The school had a school classification of any category of Progressing or Meets Goal in the CATS biennial or midpoint classification at the elementary and middle school accountability levels as defined in 703 KAR 5:001;”

703 KAR 5:130 Section 8 (2) (b). “School classification;”

703 KAR 5:130 Section 8 (5) (b). “The district had a school district classification of any category of Progressing or Meets Goal in the CATS biennial or midpoint classification at the elementary and middle school accountability levels as defined in 703 KAR 5:001;”

Staff Recommendation and Rationale:

Staff recommends final approval of 703 KAR 5:001, 703 KAR 5:020 and 703 KAR 5:130. These amendments will align the school reconfiguration notice deadline to coincide with earlier release of scores and incorporate additional Federal flexibility.

Impact on Getting to Proficiency:

Decisions must be made by the KBE to maintain an assessment and accountability system for Kentucky that continues components valued in Kentucky’s current system, incorporates NCLB components, and keeps the focus on a high quality of education for all students. Balancing the need to include all students in the assessment and accountability programs with the rigorous demands of NCLB will add to the credibility of Kentucky’s two-dimensional system in which state and federal requirements are complementary.

Groups Consulted and Brief Summary of Responses:

Local Superintendents Advisory Council (LSAC)
School Curriculum, Assessment and Accountability Council (SCAAC)
National Technical Panel on Assessment and Accountability (NTAPAA)

LSAC will discuss these proposals at their May 31 meeting and provide the Board with feedback via a letter from that body to consider at the June KBE meeting. SCAAC will discuss the proposals at their May meeting and the minutes of their discussion will be provided to the KBE for consideration at the June meeting. NTAPAA will consider these proposals at their June meeting prior to final approval of the regulation amendments by the Kentucky Board of Education on June 8-9. Their feedback will be made available to the KBE.

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